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EPA Sues Coal- Fired Plant Owner for violating Clean Air Act: What's Next? (/full-blog/2009/08/epa-sues-coal-fired-plant-owner-for.html)

"Clean Air Act" (/full-blog?category=%22Clean+Air+Act%22), "Coal" (/full-blog?category=%22Coal%22), "EPA" (/full-blog?category=%22EPA%22)



(<http://i700.photobucket.com/albums/ww7/a-Savage-thebox/other/power-plant-coal-tatamund-india.jpg>)

This post was written by staff member Natasha Camenisch.

Chicago has struggled with poor air quality for centuries. The repercussions of being a leading industrialized city are continuing to be felt by residents and visitors alike. To this day Chicago is still battling with their ever-growing pollution problem.

The United States Environmental Protection Agency (EPA) was created in 1970 to put a limit on the amount of pollution that can be introduced in the air. EPA History, <http://www.epa.gov/history/> (<http://www.epa.gov/history/>) (last visited Aug. 31, 2009). Congress passed the Clean Air Act in

order to deal with pollution problems. On Thursday, August 28, 2009 the EPA and Illinois Attorney General sued Midwest Generation of violating the Clean Air Act. Michael Hawthorne, *Air pollution lawsuit: Federal and state lawyers sue Midwest Generation over Illinois power plant emissions*, Chicago Tribune, <http://www.chicagotribune.com/health/chi-chicago-pollution-suit-28-aug28,0,2243476.story> (<http://www.chicagotribune.com/health/chi-chicago-pollution-suit-28-aug28,0,2243476.story>) (last visited Aug. 28, 2009).

The lawsuit cites six plants owned by Midwest Generation that violate the Act. Federal records indicate that the smoke being released from the plants makes them some of the largest contributors to air pollution in Chicago and the surrounding areas. According to a Harvard School of Public Health study two of the plants alone in 2001 were responsible for “2,800 asthma attacks, 550 emergency room visits and 41 early deaths every year.” *Id.*

What is really interesting about this lawsuit is the fact that the Illinois EPA did not join in the suit as a plaintiff. In a previous agreement, the Illinois EPA and company officials have already agreed to clean up or close the six plants by 2018. *Id.* This federal lawsuit will probably force the plants to either shut the plants or improve them on a faster pace.

The Midwest Generation is the most recent power company to face tougher inquiry from the EPA. One of the plants began operating in 1903, while others in the lawsuit date to the 1940s through the 1960s. *Id.* The EPA finally decided that older plants should conform to modern pollution standards because of their many modifications and expansions. Two questions remain. First, whether the EPA will be able to prove Midwest Generation did violate the Clean Air Act? Second, will other older power companies face similar prosecution?

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